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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/778,012	02/12/2004	Regis Phillip Renaud	RENAUD.3DV1CP1	3348
20995	7590	08/10/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			GRAVINI, STEPHEN MICHAEL	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/778,012	RENAUD, REGIS PHILLIP
	Examiner Stephen Gravini	Art Unit 3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 June 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 2,4-7,9-12,15-17 and 19-25 is/are pending in the application.

4a) Of the above claim(s) 9-12,15-17 and 19-22 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4-7 and 23-25 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) 9-12,15-17 and 19-22 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 2, 4-7, and 23-25 drawn to a subcombination apparatus, classified in class 34, subclass 201.
- II. Claims 9-12, 15-17, and 19-22 drawn to a subcombination method, classified in class 34, subclass 406.

The inventions are distinct, each from the other because of the following reasons:

Inventions of group I and group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus or by hand since the independently claimed method process feature of loading refuse into a compaction chamber of a compaction station without being limited to the independently claimed apparatus steam injection apparatus, steam removal apparatus, or compression apparatus are independent and distinct inventions and can be considered to be practiced by hand because the independently claimed method and apparatus are not coextensive inventions as discussed with applicant's representative. These feature are considered independent and distinct such that the independently claimed method need not be practiced with the same structure and steps as the independently claimed apparatus. Examples of independent and

distinct method and apparatus claims would be overcome by reciting “loading...” and “means for loading ...” or “extracting the steam” and “means for extracting the steam.” These recitations can overcome the independent and distinct restriction requirement and would make the inventions co-extensive.

Applicant's election with traverse of group II claims 4-7 (now group I claims 2, 4-7, and 23-25 in this application) in the reply filed on March 6, 2006 and June 29, 2006 are acknowledged. The traversal is on the grounds that amended claim 10 cannot be performed by hand. This is not found persuasive because the restriction requirement “or by hand” represents an alternative reason for restriction. Another alternative restricting the claims is presented above. The Office has repeatedly recommended claim language that would overcome the restriction requirement, but the amended claims do not present the claims such that the process as claimed can not be practiced by another materially different apparatus or by hand or the apparatus as claimed can not be used to practice another and materially different process (i.e. co-extensive). Examination of both groups of inventions represents a serious burden upon the Office since both search areas are separately classified which necessitates searching among hundreds of thousands of prior art references among the many databases needed to provide a quality examination of the claimed invention.

The requirement is still deemed proper and is still made FINAL.

Information Disclosure Statement

Applicant has submitted numerous prior art references with only minimal discussion of just a few of those references. It is urged that the applicant cite the most

relevant references and highlight those portions as each most pertains to the claimed invention. It appears that none of the references cited by the applicant are pertinent to the elected claimed invention such that any teaching of the claimed invention is buried among more than 50 prior art references. Please see MPEP 2004.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 2, 4-6, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood (US 3,747,516). Wood is considered to disclose the claimed invention comprising:

a compaction chamber **10** configured to receive refuse;

steam injection apparatus **60** configured to inject steam into the compaction chamber;

steam removal apparatus **42** configured to remove steam from the compaction chamber as discussed in column 2 lines 5-11 and column 3 line 39 through column 4 line 17 wherein the disclosed steam injection from a second compaction chamber is considered to anticipate the claimed steam removal apparatus because both are configured to remove steam; and

compressing apparatus **14** or **32** configured to compress the refuse in the compaction chamber. Wood is considered to also disclose a rotatable platform **12** for holding the refuse at column 2 line 35 through column 4 line 38 wherein the disclosed toggle anticipates the claimed rotatable feature because the toggle rotates to operate

the platform, an opening and the platform is configured to rotate such that the refuse placed on the platform will engage a wiper that holds the refuse until the opening in the platform slides underneath the refuse permitting the refuse to fall into a holding bin wherein the second compactor acts as wiper for the second compactor because the secondary compaction acts to wipe the first compaction and hydraulic ram 14, 16, or 32.

Claim Rejections - 35 USC § 103

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Camacho (US 5,634,414). Wood is considered to disclose the claimed invention, as rejected above, except for the claimed scanner configured to scan the refuse treated by the compaction chamber. Camacho, another apparatus for treating and compacting refuse, is considered to disclose a scanner configured to scan the refuse treated by the compaction chamber at column 6 lines 43-65 wherein the disclosed sensor is considered to anticipate the claimed scanner because both are configured to scan the refuse treated by the compaction station. It would have been obvious to one skilled in the art to combine the teachings of Wood with the scanner configured to scan the refuse treated by the compaction chamber, considered disclosed in Camacho, for the purpose of conveying and delivering material throughout the apparatus.

Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Carter et al. (US 5,280,757). Wood is considered to disclose the claimed invention, as rejected above, except for the claimed boiler and condenser. Carter, another apparatus for treating and compacting refuse, is considered to disclose

a boiler and condenser at column 3 line 1 through column 4 line 48. It would have been obvious to one skilled in the art to combine the teachings of Wood with the boiler and condenser considered disclosed in Carter, for the purpose of allowing steam formation and steam condensation in a refuse treatment apparatus.

Response to Arguments

Applicant's arguments with respect to claims 2, 4-7, and 23-25 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272

4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571 272 4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG
August 4, 2006

Stephen G. Bain